

Exhibit 37

Excerpts of deposition of Nancy Cooper
(November 7, 2023)

In the Matter Of:

THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

1:22-cv-01343-MKV

NANCY COOPER

November 07, 2023

30b6



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THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 THE SATANIC TEMPLE, INC.,

5 Plaintiff,

6 -against-

Case No.

1:22-cv-01343-MKV

7 NEWSWEEK DIGITAL, LLC,

8 Defendant.

9 -----x
10 November 7, 2023
11 10:03 a.m.
12

13 Videotaped 30(b)(6) Deposition of
14 Defendant by NANCY COOPER, and NANCY COOPER
15 Individually, taken by Plaintiff, pursuant
16 to Notice, held at 425 Madison Avenue, New
17 York, New York, before Joseph R. Danyo, a
18 Shorthand Reporter and Notary Public within
19 and for the State of New York.
20
21
22
23
24
25

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THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

2

A P P E A R A N C E S :

KEZHAYA LAW PLC
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Minneapolis, Minnesota 55401

By: MATT KEZHAYA, ESQ.
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LAW OFFICES OF CAMERON STRACHER PLLC
Attorneys for Defendant and the Witness
51 Astor Place
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By: CAMERON STRACHER, ESQ.
SARA TESORIERO, ESQ. (Via Zoom)

Also Present:

LAURA HENRIQUE, ESQ., Newsweek (Via Zoom)

ELIZABETH GONZALEZ, Videographer

~oOo~

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THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

3

Cooper

THE VIDEOGRAPHER: Good morning.

This is the beginning of media 1 of the
deposition of Nancy Cooper in the matter
of The Satanic Temple, Incorporated versus

10:03

Newsweek Digital, LLC, case number

1:22-cv-01343-MKV. Today's date is

November 7, 2023, and the time on the

monitor is 10:03. My name is Elizabeth

Gonzalez, and I am the videographer. The

10:03

court reporter is Joe Danyo.

Would counsel please introduce
themselves for the record after which the
court reporter will swear in the witness.

MR. KEZHAYA: This is Matt Kezhaya
appearing on behalf of the Plaintiff. I
am joined by Sonia Kezhaya.

10:04

MR. STRACHER: Cameron Stracher on
behalf of the defendant and the witness,
and with us by Zoom is Sara Tesoriero from
my office and Laura Henrique from
Newsweek. She is in-house counsel at
Newsweek.

10:04

N A N C Y C O O P E R, having been first duly
sworn by Joseph R. Danyo, a Notary Public, was

10:04

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

4

1 Cooper

2 called as a witness and testified as follows:

3 EXAMINATION BY MR. KEZHAYA:

4 Q. Please state your name for the
5 record.

10:04

6 A. Nancy Cooper.

7 Q. Nancy, have you ever been deposed
8 before?

9 A. About six or seven years ago.

10 Q. Okay. What was that attendant to?

10:04

11 A. It was something in which we were not
12 a direct something or another, We were a witness,
13 and it was literally about some bracelets that we
14 had written about.

15 Q. Okay. Was it a defamation lawsuit?

10:05

16 A. I don't remember.

17 Q. Okay. Have you ever been a witness
18 or a defendant in a defamation lawsuit before?

19 A. No.

20 Q. Okay. What is your current role at
21 Newsweek?

10:05

22 A. I'm the global editor-in-chief.

23 Q. What does that entail?

24 A. I set the standard for what Newsweek
25 does or doesn't do. I'm in meetings to discuss,

10:05

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THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

5

1 Cooper

2 you know, very granular stuff what story today,
3 but also like what are we going to do next year.

4 Q. You said what story today?

5 A. Yeah.

10:05

6 Q. What does that mean?

7 A. Like, you know, what's happening with
8 Mike Johnson, what's happening in Congress,
9 what's happening with the economy.

10 Q. What are the newsworthy events then
11 of the day?

10:05

12 A. Yeah.

13 Q. Okay. What qualifications are
14 required for that role?

15 MR. STRACHER: I object to the form.
16 You can answer.

10:05

17 A. You know, it's whatever, different
18 sets of qualifications. I'm a very experienced
19 editor, so I would say that's the qualification.

20 Q. What did you do before Newsweek,
21 immediately before?

10:06

22 A. Immediately before I was at IB Times.
23 International Business Times, IBT, different
24 publications, and before that, MSNBC, and before
25 that, New York Public Radio, and before that,

10:06

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THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

11

1 Cooper

2 Q. So the 60 number encompasses editors,
3 writers?

4 A. It's a guess. It's an estimate.

5 Q. 60-ish?

10:12

6 A. Yes.

7 Q. Editors, writers, pretty much
8 everyone. Do you run Newsweek? Are you
9 functionally the CEO of Newsweek?

10 A. No. There is a CEO.

10:12

11 Q. Okay. So then you have people above
12 you. Is that correct?

13 A. Yes.

14 Q. Okay. How many layers is it from you
15 to the CEO?

10:12

16 A. One.

17 Q. So who do you report to?

18 A. Dev Pragad. Dev, new word

19 P-r-a-g-a-d.

20 Q. What is Dev's title?

10:13

21 A. He's the CEO and president.

22 Q. Okay. So you are immediately below
23 the CEO and president. Is that correct?

24 A. Yes.

25 Q. Does Dev have an active role in the

10:13

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
38

1 Cooper

2 A. No, I don't say to Google it.

3 Q. Okay. Do you require them,
4 specifically we're talking about the desk, to
5 engage in any level of fact-checking efforts? 10:41

6 A. Yes.

7 Q. Okay. What are those fact-checking
8 efforts that they shall engage in?

9 A. It's a spectrum. There's
10 straightforward stuff where you can see that this 10:42
11 is a mistake. This is a typo. This is just a
12 transcription error, and then there are larger
13 questions, and their job is to make sure that our
14 stories are accurate and fair. I don't dictate
15 you have to Google the words. 10:42

16 Q. How does one delineate whether a fact
17 question is big enough that it should be looked
18 into?

19 A. Experience.

20 Q. In your experience, would an 10:42
21 accusation of covered-up sexual abuse qualify as
22 one of these big questions that should be
23 fact-checked?

24 MR. STRACHER: Objection to the form.

25 A. Yes. 10:42

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

55

1 Cooper

2 there's different reputations I guess is what I'm
3 trying to say.

4 Q. Well, I'm specifically asking about
5 reputation for honest, fair reporting. 11:05

6 A. I can't speak to that. We made -- I
7 felt strongly that we should not be saying trust
8 us. That it was our job to say we make every
9 effort to be trustworthy.

10 Q. In the industry, has there been a big 11:05
11 3 nomenclature?

12 A. More than ten years ago. Maybe 15,
13 20 years ago.

14 Q. What was the big 3?

15 A. Time, Newsweek and U.S. News. 11:05

16 Q. So Newsweek was among the big 3?

17 A. Yes.

18 Q. And the big 3, what did that refer
19 to? Not just the organizations obviously.

20 A. Just a news mag. I mean I don't know 11:05
21 how to say. The news magazines, the key, the
22 biggest news magazines.

23 Q. Would it be fair to say most
24 credible?

25 A. Yes. 11:06

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
56

1 Cooper

2 Q. Is it true that "More than one in
3 five Americans read us"?

4 MR. STRACHER: Objection to form.
5 Who is "us"? 11:06

6 MR. KEZHAYA: Newsweek.

7 A. I believe that's the number. You
8 know, I believe that to be the number.

9 Q. Is that a yes then?

10 A. It is as far as I know. I don't know 11:06
11 exactly. As far as I know, yes, that is correct.

12 Q. Are you familiar with the media kit
13 that was attached to the complaint as an exhibit?

14 A. No.

15 Q. Does Newsweek have a media kit? 11:07

16 A. As far as I know, yes.

17 Q. What is a media kit?

18 A. Pardon me?

19 Q. What is a media kit?

20 A. What they go to market with, but I 11:07
21 have nothing to do with that side of the

22 business.

23 Q. You say they go to the market?

24 A. Yeah.

25 Q. What does it mean -- first of all, 11:07

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

71

1 Cooper

2 Q. Do you remember approximately when
3 that was?

4 A. No.

5 Q. Relative to her first article on
6 Newsweek, do you have any estimate about when
7 that would have been?

11:20

8 A. I really don't. I'm sorry. It was
9 all phone relationship, and it's all, I don't
10 remember any dates.

11:20

11 Q. Did you offer Duin a job as an
12 employee at Newsweek?

13 A. I don't know.

14 Q. Do you recall whether the job
15 negotiations -- strike that. Tell me as best as
16 you can recall the story from how she became an
17 independent contractor of Newsweek?

11:20

18 A. I think that we had posted the job
19 for a religion reporter, and she had applied, and
20 I interviewed her along with another editor, and
21 we hired her.

11:21

22 Q. Was the decision to hire her
23 solely -- I say solely -- dually between the two
24 of you?

25 A. Yes.

11:21

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

73

1 Cooper

2 Q. Did you meet with Duin on any regular
3 cadence?

4 A. I think we talked once a week, but I
5 don't remember for sure. She and Juliana and I
6 it would have been.

11:22

7 Q. Did you meet with -- strike that.
8 Are there levels of reporter at Newsweek?

9 A. Yes.

10 Q. How did Duin rank in that?

11:22

11 A. I don't remember her title, but she
12 was one of the senior-ish people. I mean she
13 wasn't expected to do, you know, breaking news
14 stories all day. She was a subject matter
15 expert.

11:23

16 Q. Okay. This time frame that you
17 posted the RFP, for lack of a better word,
18 request for proposal, the job.

19 A. Yes.

20 Q. Strike that. Let's start over. You
21 posted a job?

11:23

22 A. I believe so. I don't know for sure.

23 Q. Do you remember about when that was
24 posted?

25 A. No.

11:23

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

97

1 Cooper

2 A. Yes.

3 Q. Do you sit on all discussions of all
4 articles, or is that managed by lower employees?

5 A. No. I don't sit in on every
6 discussion.

11:57

7 Q. Okay. What delineates the
8 discussions that you do versus don't?

9 A. Timing, importance of the story,
10 questions about the story.

11:57

11 Q. Earlier you mentioned that you met
12 with Duin on a weekly basis. Is that correct?

13 A. As I remember.

14 Q. Did you meet with all reporters on a
15 weekly basis?

11:57

16 A. No, not all. I believe there were
17 others that Juliana and I spoke with once a week,
18 but I don't remember.

19 Q. Was Juliana in charge of Duin because
20 of the seniority of Duin?

11:58

21 A. It was just the topic I think. It
22 was that she was a U.S. reporter, and Juliana was
23 the U.S. editor.

24 Q. Okay. Under what circumstances might
25 a dispute get escalated to you as to whether or

11:58

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
133

1 Cooper

2 that she published is dated January 1 of 2023.

3 A. She probably had, yeah, written that,
4 if it's dated January 1st, she had written it, so
5 it would have been the end of 2022. 12:55

6 MR. KEZHAYA: I pass the witness.

7 MR. STRACHER: Thank you.

8 EXAMINATION BY MR. STRACHER:

9 Q. Just a couple of follow-up questions.
10 Was the publishing desk in existence in the 12:55
11 spring of 2021?

12 A. No. I don't believe so.

13 Q. Was there a -- were there
14 independent -- withdrawn. Were there people
15 whose job it was to fact-check articles in the 12:56
16 spring of 2021?

17 A. I don't believe so. No.

18 Q. Were there people whose job it was to
19 copy-edit articles in the spring of 2021?

20 A. I believe there were, yes, but we've 12:56
21 had a copy desk, got rid of a copy desk, rebuilt
22 the copy desk, so I don't remember the dates.

23 Q. Oh, apologies. I'm reminded that the
24 article was in the fall of 2021. So was there,
25 was the publishing desk in existence in the fall 12:56

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
140

1 Cooper

2 Q. I'll rephrase the question.

3 A. Yes.

4 Q. Julia Duin wrote articles for
5 Newsweek, correct?

01:05

6 A. Yes.

7 Q. Did you fact-check anything in the
8 articles?

9 A. No. I raised questions to her, but I
10 didn't personally fact-check things.

01:05

11 Q. Did Juliana fact-check anything?

12 A. I don't believe so.

13 Q. And we're not talking just this
14 article. We're talking overall.

15 A. As I recall, yes, to what you're
16 saying.

01:05

17 Q. Did anyone else over Julia Duin's
18 entire career at Newsweek fact-check any of her
19 articles?

20 A. I don't believe so.

01:05

21 Q. Okay. So you relied, you Newsweek,
22 relied on Julia Duin to fact-check her articles,
23 correct?

24 A. Yes.

25 Q. And if something slipped through the

01:05

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
142

1 Cooper

2 it got in, correct?

3 A. If.

4 MR. STRACHER: Same objection.

5 Q. Correct. It's all under if. Yes.

01:06

6 You can still answer the question.

7 A. It could explain it.

8 Q. Okay, and as the global editor in

9 chief, you are the best positioned person to

10 ascertain whether a factually accurate or

01:07

11 inaccurate statement has been made in a

12 Newsweek published statement before it goes out,

13 correct?

14 MR. STRACHER: Objection to the form

15 of the question.

01:07

16 Q. Correct or incorrect?

17 A. Incorrect.

18 Q. Okay. Does Newsweek have any more

19 particular policies, standards, customs or

20 practices to teach someone how to go about

01:07

21 fact-checking?

22 A. There's onboarding. You know,

23 there's orientation lectures, which I believe

24 explain, you know, how we do things, what our

25 policies are, what our practices are.

01:07

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
145

1 Cooper

2 Afternoon Session

3 1:47 p.m.

4 THE VIDEOGRAPHER: We are back on the
5 record. The time is 1:47 p.m.

01:47

6 N A N C Y C O O P E R, having been previously
7 duly sworn, was examined and testified further as
8 follows:

9 EXAMINATION (Continued)

10 BY MR. KEZHAYA:

11 Q. Please state your name for the
12 record.

13 A. Oh. It's Nancy Cooper.

14 MR. KEZHAYA: Actually can we go off
15 the record.

01:47

16 THE VIDEOGRAPHER: We are off the
17 record. The time is 1:47 p.m.

18 (Recess taken)

19 THE VIDEOGRAPHER: We are back on the
20 record at 1:48 p.m.

01:48

21 BY MR. KEZHAYA:

22 Q. What did you know about TST before
23 Duin pitched this particular article?

24 A. Nothing.

25 Q. Did you know about TST?

01:48

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
146

1 Cooper

2 A. No.

3 Q. Were you aware of TST's existence in
4 the first place?

5 A. No.

01:49

6 Q. Do you remember when Duin pitched the
7 article?

8 A. I don't remember, but I saw the
9 e-mail where it was among the stories she
10 pitched.

01:49

11 Q. Were those the first stories that she
12 pitched?

13 A. I'm not sure. I don't know.

14 Q. Prior to that e-mail, was there a
15 meeting between you and Duin about this article?

01:49

16 A. No.

17 Q. After the e-mail, was there a meeting
18 of the participants including you and Duin about
19 this article?

20 A. A meeting? No. No.

01:49

21 Q. Okay.

22 A. I mean --

23 Q. Let's draw your attention to the
24 confidential Exhibit Cooper 52, which we are
25 marking as Plaintiff's 9.

01:49

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
148

1 Cooper

2 A. Right.

3 Q. Did you receive this e-mail?

4 A. I believe so, yes.

5 Q. Did anyone else receive this e-mail?

01:51

6 A. I can't tell from this one.

7 Q. Okay. Returning back to our front
8 page, we see the cc line. You e-mailed Julia at

9 1:04 p.m., and there are two people on the cc

10 line. Do you see that?

01:51

11 A. No.

12 MR. STRACHER: On the first page.

13 Q. At the very top.

14 A. Oh, yes. Got you.

15 Q. And I recall you mentioned this
16 person earlier, but I don't recall their role.

01:51

17 Who is the first person that is cc'd on this?

18 A. Dayan is the chief strategy and
19 content officer.

20 Q. So you were the chief editor?

01:51

21 A. Yes.

22 Q. He is the chief strategy officer.
23 It's from you to Julia, and also cc'd is Juliana.

24 A. Yes.

25 Q. Is that correct?

01:52

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
149

1 Cooper

2 A. Yes.

3 Q. And remind me who Juliana is?

4 A. She would be Julia's manager.

5 Q. Okay. So Julia directly reports to
6 Juliana?

01:52

7 A. Yes.

8 Q. Who in turn reports to you, is that
9 correct?

10 A. Yes.

01:52

11 Q. And then, in terms of the
12 organizational chart, you and --

13 A. Dayan.

14 Q. Dayan.

15 A. Report to Dev. Yes.

01:52

16 Q. Meaning you don't report to Dayan,
17 and Dayan does not report to you, correct?

18 A. Correct.

19 Q. Okay. Turning your attention back to
20 this October 25 e-mail on page 2, Julia writes,
21 "Are we meeting today at 2 your time, 11 my
22 time?" Do you see that?

01:52

23 A. Yes.

24 Q. Do you have any reason to believe
25 that Dayan and Juliana were not copied on this

01:52

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
150

1 Cooper

2 e-mail?

3 A. I have no reason to believe one way
4 or another.

5 Q. Okay, and the next more recent e-mail
6 is Juliana writing to Julia. Do you see that on
7 page 1?

01:52

8 A. On page 1?

9 Q. Correct.

10 A. Yes.

01:53

11 Q. That's correct, right?

12 A. Yes.

13 Q. And then after Juliana writes, you
14 write, "I look forward to our meeting at your
15 convenience." Do you see that?

01:53

16 A. Yes.

17 Q. Okay. Was Dayan at that meeting?

18 A. No, I don't know. I don't think so,
19 but I don't know.

20 Q. Was Juliana at that meeting?

01:53

21 A. I think so, but I don't know.

22 Q. Were you at that meeting?

23 A. Yes.

24 Q. Was there a meeting?

25 A. I believe so.

01:53

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
153

1 Cooper

2 that question?

3 MR. KEZHAYA: It's a predicate
4 question to my next question.

5 MR. STRACHER: Okay.

01:56

6 A. They were story suggestions.

7 Q. That's what I was going to ask.

8 Okay. So, returning back to the first page,
9 these other story suggestions are not something
10 that you commented on, is that correct?

01:56

11 A. I don't appear to have. I didn't
12 look into whether we did or didn't do them.

13 Q. In your earlier testimony, it was on
14 October 25, 2021, prior to receiving this e-mail
15 on Cooper 52, you had never heard of The Satanic
16 Temple, correct?

01:56

17 A. Correct.

18 Q. What was it about this article that
19 drew your attention to The Satanic Temple article
20 as distinguished from the other pitches?

01:56

21 A. Because it's, if you read her pitch
22 there, at the bottom, just in time for Halloween.
23 As she says, it's quite a story, and we have
24 something called a -- that calls itself a Satanic
25 Temple and that then says it's being defamed and

01:56

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
154

1 Cooper

2 has a lawsuit. That's just a good story.

3 Q. And your testimony here is that you
4 had never heard of The Satanic Temple before this
5 date, correct? 01:57

6 A. Correct.

7 Q. As you sit here today, can you
8 testify whether or not Newsweek has ever written
9 about The Satanic Temple before October 25, 2021?

10 A. Can I testify about that? 01:57

11 Q. Yeah, do you recall, or are you
12 familiar with?

13 A. No. I don't know of any, but I
14 certainly didn't do -- I didn't search the
15 archive. I don't know. 01:57

16 Q. To clarify my understanding of your
17 testimony, you do not know whether Newsweek
18 published any stories about The Satanic Temple
19 before October 25, 2021, correct?

20 A. Correct. 01:57

21 Q. On Cooper 52, Julia Duin described
22 her contacts as disgruntled members. Do you see
23 that? Correct?

24 A. Yes.

25 Q. What is your understanding of that 01:58

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
158

1 Cooper
2 yourself or, you know, your reporter spots
3 something. You say that's a great idea, or you
4 listen to your reporter, and you go I don't think
5 this is a great idea, but this other thing you 02:02
6 said is a great idea, and you talk to them about
7 how you would shape the story and how you see the
8 story, and, you know, these are sometimes split
9 into different jobs, but overall then you read it
10 and you think about it and talk to the reporter 02:02
11 and you suggest fixes, and sometimes you overrule
12 people and make fixes, and then it gets
13 published.

14 Q. What are the nature of the fixes that
15 you would make? 02:02

16 A. Would make?

17 Q. Um-hum, as an editor.

18 A. It could be anything from a typo to
19 like, no, the person is not a suspect. They're a
20 person of interest, you know, catching something 02:02
21 like that.

22 Q. Okay. Why wasn't Juliana the editor
23 on this particular article?

24 A. Because I'm a much more experienced
25 editor, and she was probably swamped with her 02:02

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
160

1 Cooper

2 sources used in the article prior to it being
3 published?

4 A. No.

5 Q. Did you review any of the
6 communications between Julia Duin and Lucien
7 Greaves prior to the article being published?

02:04

8 A. I don't believe so. No.

9 Q. What was the purpose of you editing
10 this article?

02:04

11 A. Everybody needs an editor.

12 Q. Why is that?

13 A. Because you can't see your own
14 mistakes, because you can't catch your own typos,
15 because you can't, you're so close to the story
16 sometimes, you're not a good judge of what is
17 confusing to the reader, what is boring to the
18 reader. You always need an outside person.

02:04

19 Q. Did you have any telephone
20 conversations with Duin about this article?

02:04

21 A. I don't believe so.

22 Q. What about this meeting on October
23 25th?

24 A. That's where we were on the phone.

25 We were never in person I don't think ever.

02:05

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
161

1 Cooper

2 That's where we were on the phone, and I guess I
3 said great story. Let's do it.

4 Q. Did you say that on the phone?

5 A. I don't recall, but judging from the
6 e-mails at some point I said maybe, you know.
7 Yeah.

02:05

8 Q. How involved were you in the drafting
9 and editing of this article?

10 MR. STRACHER: Objection to the form.

02:05

11 I mean you can answer.

12 Q. To the best of your ability. If you
13 don't understand a particular aspect of the
14 question.

15 A. No, you know, I looked back at the
16 e-mails, and then I had some questions. I asked
17 her questions.

02:05

18 Q. Which e-mails did you look back to?

19 A. The e-mails in the document pile.

20 Whatever you call this.

02:05

21 Q. When you say you looked at the
22 e-mails, when did you look at these e-mails?

23 MR. STRACHER: You can answer.

24 A. Yesterday.

25 Q. Okay. Drawing your attention back to

02:06

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
166

1 Cooper

2 Q. Correct or incorrect?

3 A. No.

4 Q. Please help me understand where you
5 are coming from then in resolving that The
6 Satanic Temple does not actually have --

02:09

7 A. You did --

8 MR. STRACHER: I object to form. Let
9 him ask his question. Go.

10 Q. The statement here, "They don't
11 actually have an abortion ritual," you see that
12 statement from your in box, correct?

02:09

13 A. Um-hum.

14 Q. You wrote that statement, correct?

15 A. Um-hum.

02:10

16 Q. You did no fact-checking as to
17 whether The Satanic Temple has an abortion
18 ritual, correct?

19 A. Um-hum.

20 Q. You did no interviews of witnesses?

02:10

21 A. Um-hum.

22 Q. Correct?

23 A. Um-hum.

24 MR. STRACHER: You have to speak your
25 answer.

02:10

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
186

1 Cooper

2 Q. Would you agree with me that the
3 assertion that there are accounts of sexual abuse
4 being covered up in ways that are more than
5 anecdotal is an accusation of wrongdoing? 02:41

6 A. Yes.

7 Q. So, throughout these e-mails, we see
8 that you included language in this article. Do
9 you remember including language in the article?

10 A. Not particularly. 02:41

11 Q. Do you remember whether you included
12 language in the article?

13 A. No.

14 Q. Do you recall the e-mail in which you
15 said that the blue insertions are yours? 02:42

16 A. I see the line. I see the e-mail,
17 but do I remember it? No.

18 Q. I draw your attention to Plaintiff's
19 13.

20 (Plaintiff's Exhibit 13, Document
21 Bates stamped Cooper 31 and Cooper 32, was
22 so marked for identification, as of this
23 date.) 02:42

24 Q. Would you agree with me that covering
25 up sexual abuse would be a criminal act? 02:42

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
187

1 Cooper

2 MR. STRACHER: I object to the form
3 of the question. Speculative.

4 Q. For purposes of the editorial
5 guidelines -- 02:43

6 A. Yes.

7 Q. -- would you agree with me that this
8 is an accusation of a criminal act?

9 MR. STRACHER: I object to the form.

10 A. Of a possibly criminal act. 02:43

11 Q. What about the sexual abuse in the
12 first place?

13 MR. STRACHER: Objection to form.

14 What's the question? Your question is
15 "What about the sexual abuse in the first
16 place?" 02:43

17 A. What's the question?

18 Q. My preceding statement was, within
19 the meaning of the editorial guidelines, is
20 covering up sexual abuse a criminal act to which
21 you respond yes. 02:43

22 A. Yes.

23 Q. Follow-up. What about the sexual
24 abuse in the first place, within the meaning of
25 the editorial guidelines, is accusing someone of 02:43

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
188

1 Cooper
2 having a systemic sexual abuse problem --

3 A. Yes.

4 Q. -- would that not also be a criminal
5 act? 02:43

6 A. It could be.

7 MR. STRACHER: Objection to the form
8 of the question.

9 Q. I believe the witness said yes,
10 correct? 02:44

11 MR. STRACHER: No, I thought she
12 said, I believe she said it could be.

13 A. It could be.

14 MR. STRACHER: This is why you should
15 wait until the question is finished so I 02:44
16 can object and so that you can answer.

17 THE WITNESS: Okay. I'm sorry. I'm
18 sorry.

19 MR. STRACHER: That's okay.

20 Q. When is sexual abuse of a systemic 02:44
21 nature not potentially criminal?

22 MR. STRACHER: We're getting far
23 afield here now from like what the article
24 actually says.

25 So, if you want to get into this 02:44

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
189

1 Cooper

2 area, I'm going to object, but I'm not
3 going to prevent the witness from
4 answering, but let me just note we're
5 getting pretty far afield.

02:44

6 MR. KEZHAYA: I'm delineating the
7 difference as pertains to the editorial
8 guidelines as to the difference between
9 criminal sexual abuse and non-criminal
10 sexual abuse. She said it could be.

02:44

11 MR. STRACHER: Okay.

12 MR. KEZHAYA: I would like you to
13 answer the delineating question.

14 MR. STRACHER: But the word you used
15 was "systemic sexual abuse." Where do you
16 find that phrase?

02:45

17 Q. Nancy, you edited this article,
18 correct?

19 A. Yeah.

20 Q. Was this article not about TST as an
21 organization?

02:45

22 A. It was about a lawsuit about TST.

23 Q. Was the subject of this article TST?

24 A. The subject of the article was this
25 lawsuit. We didn't just like say here's the

02:45

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
190

1 Cooper

2 thing, TST. We said here is this interesting
3 suit. That's a different story.

4 Q. Your testimony today is that your
5 understanding of this article was that it's about
6 the lawsuit, not about the organization, correct?

02:45

7 A. Yes.

8 Q. Please read the first line of the
9 article.

10 A. "Can you defame a religion,
11 especially one that doesn't believe in God, Satan
12 or the supernatural?"

02:45

13 Q. Is this what's known as a lead in the
14 industry?

15 A. Yeah.

02:46

16 Q. What is a lead?

17 A. It's how you get into a story, the
18 top, the first sentence of this paragraph.

19 Q. Who wrote the lead?

20 A. Probably she did. It's possible that
21 I did.

02:46

22 Q. Is it your best recollection today
23 that she wrote the lead?

24 A. I don't know.

25 Q. You must have knowledge as to your

02:46

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023

191

1 Cooper

2 best recollection?

3 A. No, I don't.

4 Q. Try.

5 MR. STRACHER: I object to the form.

02:46

6 You don't have to try anything that you
7 don't recall.

8 A. I don't recall.

9 MR. STRACHER: Just say you don't

10 recall.

02:46

11 MR. KEZHAYA: I object to the
12 coaching. She didn't say "I don't
13 recall."

14 MR. STRACHER: I'm not coaching her.

15 I'm just telling her that she doesn't have
16 to like invent an answer.

02:46

17 A. I don't know. That's the answer.

18 Q. Who came up with the headline for
19 this article?

20 A. I believe I did.

02:46

21 Q. Is it normal for Newsweek to have its
22 global editor in chief drafting leads and
23 headlines for articles?

24 A. For some articles, yes.

25 Q. What made this article special?

02:47

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
192

1 Cooper

2 A. Because she's one of our senior
3 reporters, as I said.

4 Q. Did you write headlines and leads for
5 all of the senior reporters? 02:47

6 A. For many of them. I didn't write
7 heads and leads for every one of her stories
8 either, I don't think. It's just.

9 Q. Your earlier testimony is that this
10 article is about the litigation. 02:47

11 A. Yes.

12 Q. And your earlier testimony also was
13 the lead is how you go about introducing the
14 concept of the article, correct?

15 A. Um-hum. 02:47

16 Q. Please help me understand how this
17 lead ties to the litigation when it makes no
18 reference to the litigation?

19 A. The litigation is about defaming a
20 religion. So it's exactly about that. 02:47

21 Q. Please say that again.

22 A. The lead is about can you defame a
23 religion. So it's about the lawsuit.

24 Q. Did you ever look at the complaint in
25 this case? 02:48

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
193

1 Cooper

2 A. The complaint meaning what? The
3 original lawsuit?

4 Q. Correct. The Johnson lawsuit.

5 A. I don't believe so. 02:48

6 Q. Did Julia Duin ever look at the
7 complaint?

8 A. I'm sure she did.

9 Q. Do you have any personal knowledge
10 whether she did? 02:48

11 A. I think she quotes from it in her
12 e-mails or in the story.

13 Q. Is that why you are sure?

14 A. Yes.

15 Q. Turning your attention to our earlier 02:49
16 bullet point, "Reach out for comment and give
17 parties time to respond," how much time is
18 reasonable for a response?

19 A. Again, it depends on the story. If
20 it's just saying Mike Johnson got elected, and 02:49
21 his priority will be this, you know, you don't
22 have to wait forever for a response.

23 If you say, Mike Johnson, you know,
24 beat his previous wife, you have to wait for a
25 response. 02:49

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
205

Cooper

BY MR. KEZHAYA:

Q. I draw your attention back to Exhibit 5. Earlier you testified that it's normal for Newsweek to make use of anonymous sources. Do you remember that?

A. Yes.

Q. I want to draw your attention more particularly to page 3, first full bullet point. Please read that into the record.

A. "Newsweek reporters should use anonymous sources only rarely, in consultation with their editors, at least one of whom must know the identity of the source."

Q. Do you know the true identity of the source Jinx Strange?

A. No.

Q. Do you have Jinx Strange's phone number?

A. No.

Q. Do you have Jinx Strange's residential address?

A. No.

Q. Do you have Jinx Strange's work address?

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
206

1 Cooper

2 A. No.

3 Q. Did you have any communication of any
4 sort with Jinx Strange?

5 A. Not that I know of. 03:14

6 Q. Did Julia Duin know the true identity
7 of Jinx Strange?

8 A. I don't know. I believe so, but I
9 don't know.

10 Q. You personally wrote these? The 03:15
11 editorial guidelines, you personally either wrote
12 or oversaw them, correct?

13 A. Yes.

14 Q. Did Julia Duin indicate to you at any
15 point whether she knew the true identity of Jinx
16 Strange? 03:15

17 A. Not that I recall.

18 Q. I want to turn your attention to the
19 same page, second to last bullet point above
20 Questions of Taste. Please read the first full
21 sentence. 03:15

22 MR. STRACHER: Page? Sorry.

23 Q. Page 3, second to last bullet point
24 above Questions of Taste.

25 A. "When writing about criminal charges 03:15

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
207

1 Cooper

2 or allegations, be specific and complete."

3 Q. Is it your opinion as Newsweek's
4 editor in chief that the article statement is
5 both specific and complete?

03:16

6 MR. STRACHER: Objection to the form
7 of the question.

8 A. Yes.

9 Q. Okay. Please describe the specifics.

10 A. That there were allegations of sexual
11 abuse and that they had not been dealt with.

03:16

12 Q. Okay. Who was sexually abused?

13 A. We don't know. Members.

14 Q. Okay. What was entailed in the
15 coverup?

03:16

16 A. I don't know.

17 Q. And it's your testimony today that
18 these are -- withdrawn. Who engaged in the
19 sexual abuse?

20 A. I don't know.

03:16

21 Q. Who engaged in the coverup?

22 A. I don't know. Officials of the
23 church, but I don't know.

24 Q. You are presuming, correct?

25 A. Yes.

03:16

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
208

1 Cooper

2 Q. What was the sexual abuse?

3 A. I don't know. Sorry.

4 Q. What was the coverup?

5 A. Again, I don't know. 03:17

6 Q. And, once again, it's your testimony
7 as the person in charge of enforcing these
8 guidelines and the person --

9 MR. STRACHER: I object to the form.

10 She did not say enforcing. Right? She 03:17
11 didn't use the word "enforcing."

12 Q. Were you in charge of enforcing these
13 guidelines?

14 A. Yes.

15 Q. Okay. As the person who was in 03:17
16 charge of enforcing these guidelines, as the
17 global editor in chief, and as the person who
18 edited this particular article, it's your
19 testimony that this statement is complete,
20 correct? 03:17

21 A. Yes.

22 Q. And specific as well, correct?

23 A. Yes.

24 Q. Please read the last sentence in the
25 same bullet point. 03:17

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
223

1 Cooper

2 this is an investigative story and this isn't.

3 I'm just saying in my mind this was a pretty

4 straightforward story.

5 Q. How would you describe the story if
6 not an investigative piece?

03:54

7 A. It's a reported piece. A report.

8 Q. What would an investigation look like
9 in an investigative piece?

10 A. I'm trying to think of an example.

03:54

11 If you look at what The New York Times did about

12 Harvey Weinstein. They traced back all the

13 cases. They talked to a million people. They

14 uncovered things that had been covered up. They

15 didn't just write about, oh, there's this suit,

03:55

16 which is what ours could be.

17 Q. And is it your understanding that the
18 Johnson lawsuit involved allegations in which The
19 Satanic Temple sexually abused and then covered
20 up its membership?

03:55

21 MR. STRACHER: I object to the form.

22 Q. Is that your understanding?

23 A. No, I don't have an understanding of
24 what the Johnson lawsuit is. That's the suit
25 here in the case?

03:55

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
224

1 Cooper

2 Q. It's my understanding of your
3 testimony that the article is about the Johnson
4 lawsuit.

5 A. Oh, I just think of it as a lawsuit. 03:55
6 Yeah.

7 Q. So is that a yes?

8 A. Yes.

9 Q. That is your testimony?

10 A. Yeah. 03:55

11 Q. What is the basis of this belief?

12 MR. STRACHER: I'm sorry. What is
13 the question? What is the basis of this
14 belief?

15 MR. KEZHAYA: She just testified, 03:55
16 yes, it is my belief that this statement
17 is about the Johnson, an allegation.

18 MR. STRACHER: No. No, it is not.
19 Your question was, "It is my understanding
20 that your testimony is that the article is 03:56
21 about the Johnson lawsuit."

22 A. Right.

23 Q. Correct.

24 MR. STRACHER: And then you said,
25 "What is the basis of that belief?" 03:56

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
233

1 Cooper

2 of the statement.

3 Q. Yes or no?

4 A. I have faith in Julia's reporting,
5 yes. 04:04

6 Q. You have faith in that, correct?

7 A. Yes.

8 MR. KEZHAYA: I pass the witness.

9 MR. STRACHER: No questions.

10 MR. KEZHAYA: Okay. 04:05

11 THE WITNESS: Are we done?

12 MR. KEZHAYA: We are done.

13 THE WITNESS: Okay. Thank you.

14 THE VIDEOGRAPHER: This is the end of
15 the deposition of Nancy Cooper. The time
16 is 4:05 p.m. Thank you. 04:05

17 THE WITNESS: Thank you.

18 MR. STRACHER: Thank you.

19 (Time noted: 4:05 p.m.)

20 _____

21

22 Subscribed and sworn to

23 before me this____day of_____, 2023.

24 _____

25

NANCY COOPER 30b6
THE SATANIC TEMPLE -against- NEWSWEEK DIGITAL

November 07, 2023
234

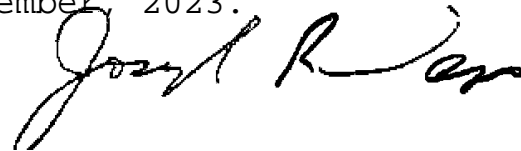
C E R T I F I C A T I O N

I, JOSEPH R. DANYO, a Shorthand Reporter
and Notary Public, within and for the State of New
York, do hereby certify:

That I reported the proceedings in the
within entitled matter, and that the within transcript
is a true record of such proceedings.

I further certify that I am not related, by
blood or marriage, to any of the parties in this
matter and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 16th day of November, 2023.



JOSEPH R. DANYO

STATE OF NEW YORK

My Commission Expires 2/20/2027